IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18109 of 2006
Date of Decision: 16.11.2006

Pawan Kumar and another

Petitioners

versus

State of Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri Naresh Kaushal, Advocate for the petitioners

Jasbir Singh, J. (Oral)

Petitioners are challenging order Annexure P/9, vide which, respondent No.5 was reinstated as Sarpanch of the village. Record reveals that the enquiry was initiated for removal of respondent No.5, on the basis of following charge:-

> "*That due to the construction of Pucca Nullah (drain) got constructed by the Sarpanch, Jamaldin s/o Sh.Kante Khan got illegal possession of 9 marlas of land, which belonged to Gugga Marri whereas the said water could have been drained out to the other side.*"

It is not in dispute that the drain, in question, was constructed after getting a resolution passed (Annexure P/2) on 9.12.2003. A reading of the document, referred to above, indicates that along with Jamaldin, Hardeep Kaur, Kanwar Vikas Kumar, Panches and Jasbir Singh son of Niranjan Singh, were asked to supervise the construction of the drain. Furthermore, it is also not in dispute that against Jamaldin, application for ejectment was filed by respondent No.5 and the same was allowed. Now

appeal is pending. In view of facts mentioned above, we feel that the order passed is perfectly justified. Regarding connivance of the Sarpanch with Jamaldin, there is no evidence on record.

Dismissed.

(Jasbir Singh)
Judge

November 16, 2006 **(Pritam Pal)**
gk **Judge**